

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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EDUARDO ROSARIO,	:	CIVIL NO. 20-2966
	:	
Plaintiff	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
	:	
	:	
ALEX TORRES PRODUCTIONS, INC., et al.,	:	Philadelphia, Pennsylvania
	:	November 10, 2021
Defendant	:	2:07 p.m.

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TRANSCRIPT OF SHOW CAUSE HEARING
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT COURT JUDGE

- - -

APPEARANCES:

For the Plaintiff: KEITH ALTMAN, ESQUIRE
JOAN A. FEINSTEIN, ESQUIRE
Lento Law Group, P.C.
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3 THE COURT: Good afternoon. Please be
4 seated.

5 MR. ALTMAN: Thank you.

6 (Pause in proceedings.)

THE COURT: You may remove your mask when you're speaking to the Court. So today is a hearing on a rule to show cause on why plaintiff's counsel, Keith Altman and Joan Feinstein, both present in the court I take it, should not be sanctioned for their failure to accurately certify that there were no related cases in violation of Pennsylvania Rule of Professional Conduct 3.3A; and two, failure to provide authority in the complaint regarding promoter's ability, as ordered by the Court on January 13th, 2020.

18 Additionally, the Court had raised issues
19 concerning the viability of the Lento Law Firm in
20 Philadelphia given that the pro hac vice form, which
21 was filed by the law firm, listed the address of that
22 law firm as Farmington Hills, Michigan.

1 response has been filed. So that's where we are.

2 So, Ms. Feinstein or Mr. Altman, would you like to
3 address those issues?

4 MR. ALTMAN: I would, Your Honor, and I
5 have a severe visual disability. Would it be okay if
6 I argued seated?

7 THE COURT: Absolutely, you may do so.

8 MR. ALTMAN: Thank you, Your Honor. Your
9 Honor, let me address the filing issue. We've had
10 technical issues in terms of filing that document.
11 On the 25th, I attempted to file the document through
12 my ECF credentials. It did not allow me to do so. I
13 sent a copy to chambers to establish the fact that
14 the document was ready on time. It was sent to
15 chambers. Immediately the next morning, my team
16 reached out to your chambers and the ECF help desk,
17 and over the last two weeks, have had numerous
18 attempts to correct the issue and get the document
19 filed.

20 THE COURT: So you're saying that you sent
21 a hard copy to chambers?

22 MR. ALTMAN: I did not send --

23 THE COURT: Oh.

24 MR. ALTMAN: -- a hard copy to chambers,
25 Your Honor. We -- I sent by email a copy to chambers

1 that day. I put my team on it the next day in an
2 attempt to rectify the problem. They spoke to the
3 ECF help desk. They made numerous calls, which can
4 all be documented, to get this document filed. This
5 was also the very time where I lost my left eye,
6 crashed during this time, and so dealing with severe
7 medical disabilities has affected that.

8 THE COURT: But let me ask you the
9 technical aspect of it. You said that on October
10 25th, you had difficulties filing through ECF so that
11 you reached out to my chambers and got some guidance,
12 and then sent us an email with a copy of the
13 response?

14 MR. ALTMAN: Your Honor --

15 THE COURT: Did I understand that?

16 MR. ALTMAN: -- before I even spoke to your
17 chambers to establish that --

18 THE COURT: Yes.

19 MR. ALTMAN: -- we had the document
20 prepared on the 25th, as Your Honor ordered --

21 THE COURT: Yes.

22 MR. ALTMAN: -- I emailed a copy on the
23 25th to your chambers before I even spoke to anyone,
24 and to brother counsel, to establish that we had
25 prepared a response, we had submitted a response.

1 And I figured I would deal with the technical issues
2 the next morning.

3 The next morning, my team reached out to
4 your chambers to tell them what had happened. They
5 also tried to contact the ECF help desk to see if we
6 could figure out why we couldn't get the document
7 filed. They have made numerous, consistent attempts
8 since October the 25th to no avail. For some reason,
9 we cannot seem to file anything. I apologize if
10 maybe one of the alternatives would have been to
11 file -- to file a paper copy with the Court, but we
12 had believed that by emailing it to the Court and to
13 brother counsel and having advised chambers, that
14 that was adequate.

15 THE COURT: And do you know or can you
16 identify in the help desk who attempted to help you
17 or not help you so that we can follow up on that?
18 That seems to be a real serious problem.

19 MR. ALTMAN: Your Honor, I could not, but I
20 would be happy to provide, if Your Honor would
21 accept, a --

22 THE COURT: Okay.

23 MR. ALTMAN: When I get back I'll get with
24 my team to give me, you know, documentation --

25 THE COURT: Now --

1 MR. ALTMAN: -- of their efforts that I can
2 provide.

3 THE COURT: -- Mr. Vance, do we know
4 anything about an email sent to our chambers on
5 October 25th?

6 COURTROOM DEPUTY: I just went back and we
7 checked our chambers account and our email account.
8 We have no email from Mr. Altman.

9 THE COURT: Okay.

10 MR. ALTMAN: Your Honor, I know --

11 COURTROOM DEPUTY: Other than -- other than
12 today's email.

13 THE COURT: Today's email --

14 COURTROOM DEPUTY: Today's email just --

15 THE COURT: -- from your office telling us
16 about your accommodations. That came yesterday I
17 think.

18 COURTROOM DEPUTY: It might have been
19 yesterday.

20 THE COURT: Yes.

21 MR. ALTMAN: Your Honor, I will attest to
22 that --

23 THE COURT: Yes.

24 MR. ALTMAN: -- I sent this email on that
25 night. I can try to track through, but --

1 THE COURT: But it -- but since October
2 25th -- that's been two weeks -- we still haven't
3 received anything.

4 MR. ALTMAN: My team has made consistent
5 efforts to do that, Your Honor. I will -- I will --
6 if you would like me right now, I will call my team
7 and ask them to email it right this moment --

THE COURT: No. No, I don't --

9 MR. ALTMAN: -- if you would like.

10 THE COURT: -- think we need to do it right
11 now, but we certainly need to have some verification
12 from whoever is in your team as to these efforts
13 because in two weeks, you should have been able to
14 resolve this issue.

15 MR. ALTMAN: I agree, Your Honor, and I
16 know that my team did it and I've been asking them
17 multiple times. If you would give us until -- could
18 I have until Monday to get my team to --

19 THE COURT: That would be fine.

20 MR. ALTMAN: -- document their efforts for
21 you?

THE COURT: Sure, that would be fine.

23 MR. ALTMAN: Okay. I will --

24 THE COURT: Now --

25 MR. ALTMAN: I will also have my team, as

1 soon as court concludes, just make sure that we email
2 a copy of the document. And I apologize for not
3 bringing one here. I did not realize you didn't have
4 one. I apologize.

5 THE COURT: Do you have one for yourself
6 here?

7 MR. ALTMAN: I do not. I couldn't -- Your
8 Honor, I have lost the ability to read.

9 THE COURT: Okay. Okay. So let's go
10 through the rule, failure to accurately certify that
11 the -- well, first of all, Mr. Altman, tell me who
12 you are and what is your relationship to this firm?

13 MR. ALTMAN: Okay. My name is Keith
14 Altman. I am the principal of the Law Office of
15 Keith Altman. At the time the case was filed, I was
16 going to be entering into an of counsel relationship
17 with the Lento Law Group on a fairly systematic
18 basis. We were going to work together, and maybe
19 more formally, I was going to join the firm.

20 Ultimately, we decided not to pursue that. In any
21 event, the intention was that I would be lead counsel
22 on this matter after it had been filed. Ms.
23 Feinstein would be the local counsel. Under the
24 general direction of the Lento Law Group, I would
25 come in, be pro hac-ed into the matter, and I

1 would -- I would act as lead counsel in the matter,
2 which is what happened.

3 Addressing your concern over the addresses,
4 I suppose that in the -- it was March of this year
5 where we decided that we were not going to proceed
6 that kind of relationship with one another, and we
7 simply agreed that we would be joint counsel on this
8 particular matter, still with me filling in as lead
9 counsel on the matter in terms of working on the
10 case. And I've worked with brother counsel. He and
11 I have been in communication on this matter since.
12 So I have been the one really responsible after my
13 pro hac vice application was granted. I was really
14 the on doing the work on the case.

15 THE COURT: Have you spoken to the
16 plaintiff in this case?

17 MR. ALTMAN: Yes.

18 THE COURT: Okay. That was after the
19 complaint was filed?

20 MR. ALTMAN: Correct.

21 THE COURT: Yes. Okay.

22 MR. ALTMAN: Correct, Your Honor. And I'm
23 prepared to -- I'm prepared to address anything that
24 Your Honor has raised. I know you don't have the
25 advantage of having our -- you know, our document,

1 but I am prepared to address any of your questions at
2 this time.

3 THE COURT: Now, Ms. Feinstein, tell me
4 also about yourself and what's your connection to the
5 Lento Law Firm --

6 MS. FEINSTEIN: Sure.

7 THE COURT: -- or to Altman's law firm?

8 MS. FEINSTEIN: Sure. Oh, I'm sorry, Your
9 Honor. My name is Dr. Joan Feinstein. I'm a
10 clinical psychologist and an attorney, and I am
11 co-counsel on just a few cases with the Lento Law
12 Firm.

13 THE COURT: Okay. You're admitted in
14 Pennsylvania?

15 MS. FEINSTEIN: I am.

16 THE COURT: Okay. And when you -- where is
17 your office?

18 MS. FEINSTEIN: My office right now is out
19 of my home --

20 THE COURT: Okay.

21 MS. FEINSTEIN: -- since Covid.

22 THE COURT: But what is your relationship
23 to the Lento Law Firm?

24 MS. FEINSTEIN: I know Joe Lento for
25 several years and I'm co-counsel on a few cases with

1 him. I consult on some cases.

2 THE COURT: Mr. Lento, he's from New
3 Jersey, is that right, or --

4 MS. FEINSTEIN: I believe he lives in
5 Narberth, Pennsylvania.

6 THE COURT: Oh, in Pennsylvania. Okay.

7 Now, does the Lento Law Firm, to your knowledge, have
8 a physical presence in Pennsylvania?

9 MS. FEINSTEIN: They do.

10 THE COURT: Okay. Where are they located?

11 MS. FEINSTEIN: 1500 Walnut Street.

12 THE COURT: Okay.

13 MS. FEINSTEIN: And I believe it's suite
14 500.

15 THE COURT: Okay. Now, when did you enter
16 an appearance in this -- in this case? Let's see.

17 (Pause in proceedings.)

18 THE COURT: Let me see here.

19 MR. ALTMAN: Your Honor, may I?

20 THE COURT: Yes.

21 MR. ALTMAN: I believe the case was filed
22 in late May or early June of 2020, and Ms. Fein --

23 THE COURT: Yes?

24 MR. ALTMAN: -- and Ms. Feinstein was
25 the -- when the original complaint was filed, Ms.

1 Feinstein was the attorney --

2 THE COURT: Yes.

3 MR. ALTMAN: -- of record, listing me as
4 pro hac vice to be applied for.

5 THE COURT: Now, at that time, there had
6 been a case that had been dismissed by the Court, and
7 we have a relatedness rule. And this case, which
8 would have been filed within the time that required
9 you to identify the case as related, that was not
10 done.

11 MS. FEINSTEIN: You're talking about the
12 (indiscernible) --

13 THE COURT: Yes, your -- this -- the
14 particular case here, which was identical to a prior
15 case that the Court had dismissed, was filed and it
16 should have been marked related and assigned to me.
17 Rather, it was not marked related, so it was assigned
18 to Judge Goldberg. Judge Goldberg had referred the
19 matter to the magistrate judge, Judge Strawbridge,
20 and Judge Strawbridge, who discovered that these
21 cases were related.

22 MR. ALTMAN: Your Honor, that's 100 percent
23 true.

24 THE COURT: Okay.

25 MR. ALTMAN: The problem -- here is the

1 issue and the explanation. There was no intent to
2 evade Your Honor. There was a change in personnel
3 which, frankly, was responsible for the case being
4 dismissed the first time, if you'll recall. There
5 was a change in personnel. Some eight months after
6 the case had been dismissed, had elapsed, the
7 personnel who were involved in refiling this case
8 were simply not involved in that other case. It's
9 not that it was unknown to the firm itself the case
10 was being filed, but the individuals who were
11 involved in actually preparing and filing the instant
12 case were just unaware that it had been filed before.
13 There was absolutely no intent to evade this Court's
14 jurisdiction. If that really was the attempt, there
15 were many things that could have been done. They
16 could have waited the 12 months and filed it and
17 wouldn't have had to disclose it. They could have
18 filed it somewhere else, in New Jersey because
19 there's a New Jersey connection. But that isn't the
20 case.

21 In fact, Your Honor, I just learned
22 something I hadn't realized. When the case was
23 refiled it was accidentally filed in the District of
24 New Jersey. And instead of leaving it there, they
25 dismissed the case, got a refund, and refiled the

1 case here. So there's simply -- this is a law office
2 mistake. Both of the individuals who were involved
3 believed in good faith that this -- that when they
4 filled out those forms, that they were filling them
5 out accurately. They were not accurate. That is, in
6 fact, true. But there was no -- there was no attempt
7 to evade Your Honor's jurisdiction.

8 THE COURT: Now, the first time, the lawyer
9 who was here representing the plaintiff, candidly --
10 and it's a matter of public record -- testified or
11 stated to the Court that he had never met the
12 plaintiff and that he hadn't done any research other
13 than read the statute, so that when the case was
14 dismissed, one of the provisions for the dismissal
15 was that any subsequent complaint had to provide
16 authority that would make it a plausible claim under
17 Twombly. And we had specifically the question of
18 whether there was any authority to hold a promoter
19 liable for the failure of the site to provide
20 accommodations consistent with the ADA. That wasn't
21 done.

22 MR. ALTMAN: Your Honor, that's also
23 correct. Through the same lapse of time, that order
24 was just not made available to the people that are
25 involved, but I can tell you that in our response to

1 Your Honor's order, we did provide -- you know, one
2 of the bases is clearly there could be a contractual
3 basis between the -- contractual basis between the
4 promoter and the site, and we found that there is no
5 authority that says that you -- as a matter of law,
6 that a promoter is excluded from liability. So while
7 absolutely Your Honor ordered that to be done,
8 unfortunately, through that same lapse of time and
9 change of personnel, that particular provision of an
10 order was not made available. Had it been, of course
11 it would have been complied with. But we do -- we
12 did in good faith believe that a promoter could be
13 held liable. We did -- in response to your order,
14 which we will get to you, we did provide, you know,
15 the contractual basis and some case authority on why
16 they're not excluded as a matter of law.

17 I apologize for it not having been there in
18 the complaint as it should have been. It would have
19 been somewhat unusual to do that, but if Your Honor
20 had ordered that to be done, clearly, we would have
21 done that.

22 THE COURT: Well, that was ordered in light
23 of the fact that the first complaint did not provide
24 any support for that theory, and the lawyer had said
25 specifically that he had not done any research except

1 to look at the statute when we asked for any case
2 law, and he -- the counsel at that time also stated
3 that he had never met the plaintiff.

4 MR. ALTMAN: Your Honor, I can't speak for
5 what --

6 THE COURT: So, therefore, there was a
7 remedial order in order to protect the plaintiff, and
8 that order was not complied with.

9 MR. ALTMAN: Your Honor, I apologize, it
10 was an eight-month delay between those two -- between
11 those two events, and there was a change of
12 personnel. It clearly should have been complied
13 with.

14 THE COURT: Okay.

15 MR. ALTMAN: But we did -- but we do -- but
16 still I believed at the time, in reviewing the
17 complaint, there was a good faith basis for the
18 promoter having been in -- you know, good faith
19 doesn't mean I have to have a case law, but I believe
20 that absent discovery, seeing the contractual
21 relationship between the two individuals -- I mean,
22 clearly, there could have been a contractual
23 relationship and it might not even be unusual. But
24 absolutely, it was not complied with. It should have
25 been complied with. Had I been aware of it -- had

1 any of the people who ultimately were involved in the
2 filing of the second complaint would have been --

3 THE COURT: Okay.

4 MR. ALTMAN: -- aware of it, it would have
5 been addressed. I will say that the issue was raised
6 by Mr. Torres in front of Judge Goldberg, and Judge
7 Goldberg asked questions of me at that time, and
8 Judge Goldberg was satisfied with my response -- was
9 satisfied the response --

10 THE COURT: Of course he was unaware of the
11 prior history of this case.

12 MR. ALTMAN: I understand. No, no, all I'm
13 saying is -- no, no, I don't mean it from the -- I
14 mean it from the merits perspective --

15 THE COURT: Yes.

16 MR. ALTMAN: -- that Judge Goldberg was
17 satisfied that my explanation of why there could be
18 liability was adequate on a merits basis.

19 THE COURT: Now, when you appeared before
20 Judge Goldberg, did you bring to his attention the
21 prior history of the case?

22 MR. ALTMAN: I did not, Your Honor.

23 THE COURT: Okay.

24 MR. ALTMAN: I did not, and he didn't -- he
25 didn't ask about it, and I didn't --

1 THE COURT: Well, he wouldn't have known.

2 MR. ALTMAN: I understand. I appreciate
3 that. I did not, Your Honor. Well, actually, it did
4 come up, of course it did, because Mr. Torres raised
5 it. So --

6 THE COURT: Was that before Judge
7 Strawbridge or before Judge Goldberg?

8 MR. ALTMAN: Before Judge Goldberg.

9 THE COURT: Okay.

10 MR. ALTMAN: Mr. Torres raised it. He
11 raised the very issue that you're raising now about
12 there having to be something in there, and Judge
13 Goldberg inquired of me, Mr. Altman, what's your
14 basis for why he could be in this -- you know, he
15 should be in this complaint? I don't think -- well,
16 obviously, Judge Goldberg knew about your order at
17 that time. And, frankly, that was the first time I
18 had ever heard about your order.

19 THE COURT: Yes. Okay. Now, so far, what
20 you have advanced, and apparently it's all written
21 out in your response, is that each of the grounds for
22 the rule to show cause is factually correct except
23 that you have an explanation for that, and,
24 generally, the explanation is administrative foul up,
25 an administrative issue, not a substantive issue but

1 an administrative issue.

2 MR. ALTMAN: Yes. Now, from my
3 perspective, Your Honor, I was never involved in the
4 administrative aspects of this case.

5 THE COURT: Well, but you -- this is your
6 law firm.

7 MR. ALTMAN: No, it's --

8 THE COURT: I don't understand that, what
9 you mean by you weren't involved.

10 MR. ALTMAN: No, no. No, what I mean, Your
11 Honor, is the failure to identify the previous cases,
12 I had to --

13 THE COURT: Right.

14 MR. ALTMAN: -- acknowledge that that was
15 an issue because I was pro hac-ed into the case
16 subsequent to that. So I was not -- I was never
17 supposed to be --

18 THE COURT: So who was -- who was the --
19 oh, you mean the initial case?

20 MR. ALTMAN: No, no, I'm not talking the
21 initial case. What I'm talking about is Your
22 Honor -- part of the -- Your Honor has raised the
23 issue about --

24 THE COURT: Yes.

25 MR. ALTMAN: -- the case-tracking

1 situation. I was never involved in those -- in those
2 forms being filled out, I never saw them, it was
3 never anything I was supposed to do.

4 THE COURT: Well, who did that?

5 MR. ALTMAN: That was done by the Lento
6 Law -- the Lento Law -- and it's the Lento Law Group,
7 to be precise. That was done by Ms. Feinstein and,
8 you know, prepared -- documents prepared for her. I
9 had never seen those documents. I was never part of
10 the administration. So I -- you know, the
11 administration of the case. I was pro hac-ed into
12 the case after that took place. So for me
13 personally, I had nothing to do with those forms
14 being filled out incorrectly. I never saw them, I
15 never reviewed them, I was never part of that. I was
16 simply pro hac-ed in subsequent to that point.

17 THE COURT: Well, what's --

18 MR. ALTMAN: And --

19 THE COURT: What happened to the Lento
20 Firm? That's -- Ms. Feinstein, you're identified in
21 the docket as being the Lento Law Group.

22 MR. ALTMAN: Well, Your Honor, there
23 were -- there's the Lento Law Firm, which is a
24 separate entity from the Lento Law Group. That's all
25 I'm trying to say. They're two separate entities.

1 The Lento Law Group is what's involved in this
2 matter, not the Lento Law Firm.

3 THE COURT: Well, let's see.

4 (Pause in proceedings.)

5 THE COURT: Now, Judge Goldberg issued an
6 order, which is docket number 10, requiring a
7 licensed attorney to enter an appearance. And now,
8 that had to do with the defendant. Mr. Griffin, is
9 that -- is that what was going on there?

10 MR. GRIFFIN: Your Honor, that had to do
11 with the defendant --

12 THE COURT: Oh.

13 MR. GRIFFIN: -- Alex Torres, that --

14 THE COURT: Yes.

15 MR. GRIFFIN: -- was eventually defaulted
16 in the case.

17 THE COURT: Right. Right, because he's not
18 an attorney who was representing a corporation.

19 MR. GRIFFIN: But I had received a number
20 of calls -- and I cannot recall his name -- from an
21 attorney in Florida saying that he wanted to enter
22 his appearance and could I support him on a pro hac
23 vice basis. I did some research on that and we
24 concluded that because I might potentially
25 counterclaim on him or something, that would not be

1 appropriate, but I told him I would make all efforts
2 to find someone to get him in.

3 I called a number of my colleagues. As
4 Your Honor knows, I've appeared to you before to do
5 primarily criminal work, and had some names. And
6 their position was sure, just compensate our time to
7 appropriately get him in pro hac vice, and that
8 attorney did not want to spend any money to do that.
9 And I said look, I can't -- I can't be of any further
10 help than I've already been.

11 THE COURT: Yes.

12 MR. GRIFFIN: So Mr. Torres has remained
13 unrepresented with a default judgment --

14 THE COURT: Well, not a judgment, just a
15 default.

16 MR. GRIFFIN: Default.

17 THE COURT: Yes.

18 MR. GRIFFIN: -- with a default against
19 him.

20 THE COURT: Okay.

21 MR. ALTMAN: Which we were -- which we were
22 forced to do, Your Honor, and, clearly, we would
23 vacate to give Mr. Torres an opportunity to -- Alex
24 Torres Productions, to get representations. I
25 believe the Court just --

1 THE COURT: Well, now, let me ask again --
2 let me ask -- let me ask Ms. Feinstein and let her
3 speak for herself, you are on the docket as being
4 associated or in some fashion connected with the
5 Lento Law Group, P.C., is that accurate?

6 MS. FEINSTEIN: Yes.

7 THE COURT: Okay. That's at 1500 Market
8 Street?

9 MS. FEINSTEIN: I think --

10 THE COURT: You said Walnut Street before.

11 MS. FEINSTEIN: I thought it was Walnut
12 Street.

13 MR. ALTMAN: It is Walnut Street.

14 THE COURT: Okay.

15 MS. FEINSTEIN: It's Walnut Street, Your
16 Honor.

17 THE COURT: It's 12th Floor, East Tower, so
18 it sounds like Market Street.

19 MS. FEINSTEIN: I think it moved to 1500
20 Walnut Street, Suite 500.

21 THE COURT: Well, there is a 1500 Walnut,
22 but it doesn't have an east tower.

23 MS. FEINSTEIN: Okay.

THE COURT: And it's -- so --

25 MR. ALTMAN: Your Honor, I think they may

1 have moved in the lapse of time between those 18
2 months.

3 THE COURT: Okay.

4 MR. ALTMAN: The firm currently is at --

5 THE COURT: So they moved to 1500 Walnut
6 Street?

7 MR. ALTMAN: Correct. We were there today,
8 so I can tell you with 100 percent assurance. I sat
9 in that office today.

10 THE COURT: Okay.

11 MR. ALTMAN: And Ms. Feinstein is -- you
12 know, who is the counsel of record, is also --

13 THE COURT: So --

14 MR. ALTMAN: -- located in Pennsylvania.

15 THE COURT: -- tell me about your
16 association with this -- with this case. What -- how
17 did that come about?

18 MS. FEINSTEIN: As I said, I consult -- I'm
19 co-counsel on just a few cases with --

20 THE COURT: Yes.

21 MS. FEINSTEIN: -- the Lento Law Firm, and
22 Mr. Lento had told me about the case. I am a
23 psychologist interested in disability, and he --

24 THE COURT: Yes.

25 MS. FEINSTEIN: -- told me about the case

1 and asked if I would be involved in the case. I
2 would have a minimal role, and they would bring in
3 another attorney at some point.

4 THE COURT: They would what?

5 MS. FEINSTEIN: Bring in another attorney.

6 THE COURT: Okay. Okay, but you signed the
7 pleading in the original complaint.

8 MS. FEINSTEIN: I did.

9 THE COURT: Now, had you -- had you met Mr.
10 Rosario?

11 MS. FEINSTEIN: I had not.

12 THE COURT: Okay. Well, what do you think
13 of that? Do you think that's appropriate?

14 MS. FEINSTEIN: I relied on the firm's
15 judgment. At that time, Your Honor -- I'm a breast
16 cancer patient and it was during Covid, and --

17 THE COURT: Yes.

18 MS. FEINSTEIN: -- I was restricted from
19 meeting people in person.

20 THE COURT: Yes.

21 MS. FEINSTEIN: So there was a lot going on
22 during that time.

23 THE COURT: But you wouldn't do it again?

24 MS. FEINSTEIN: I would never do it again,
25 Your Honor.

1 THE COURT: Yes. Okay.

2 MS. FEINSTEIN: I'd go by the advice of my
3 oncologist and make that right from the beginning and
4 would never do that again.

5 MR. ALTMAN: Your Honor, if I -- if I might
6 add, the firm itself though had met with Mr. Rosario
7 and had numerous discussions with Mr. Rosario. So it
8 is -- while Ms. Feinstein may not have personally met
9 with him, the firm had met with him on multiple
10 occasions, multiple discussions, but the complaint
11 was drafted based upon conversations with Mr.
12 Rosario.

13 THE COURT: Well, that may be so, but it's
14 not on the docket, and it's her signature which
15 certifies the compliance with Rule 11 and the
16 compliance with the rules. So it's pretty relevant
17 that somebody else had met with him. The question is
18 you put her signature and her license behind this
19 complaint and she has to stand behind it.

20 MR. ALTMAN: Your Honor, I think that she
21 could -- it seems to me that she could reasonably
22 rely upon --

23 THE COURT: Well, why don't you let her
24 speak for herself? She's --

25 MR. ALTMAN: Okay.

1 THE COURT: She's a lawyer.

2 MR. ALTMAN: I'm sorry, Your Honor.

3 THE COURT: Okay? Now, you yourself are
4 identified here as being in the Lento Law Group, but
5 you claim you're not?

6 MS. FEINSTEIN: I'm no longer there.

7 THE COURT: Okay.

8 MS. FEINSTEIN: At that time, Your Honor --

9 THE COURT: Yes.

10 MS. FEINSTEIN: -- I was thinking about
11 more of an association with them, but due to my
12 health issues --

13 THE COURT: Sure.

14 MS. FEINSTEIN: -- it's not appropriate,
15 and I would --

16 THE COURT: Okay.

17 MS. FEINSTEIN: -- never do --

18 THE COURT: So you're going to -- are you
19 going to withdraw from this case or are you going to
20 continue?

21 MS. FEINSTEIN: I was going to ask them
22 to -- after speaking with my physicians, to ask them
23 to find substitute counsel.

24 THE COURT: And you would like to withdraw
25 here?

1 MS. FEINSTEIN: I would, Your Honor.

2 THE COURT: Okay. Certainly if your health
3 doesn't allow you to fully commit, I think that would
4 be a -- that would be a good thing to do.

5 MS. FEINSTEIN: Honestly, Your Honor, Dr.
6 Fox, my hematologist/oncologist, did not want me to
7 come today, but I know -- I wanted to --

8 THE COURT: Yes.

9 MS. FEINSTEIN: -- come. I didn't want to
10 disappoint the Court.

11 THE COURT: I appreciate that.

12 MS. FEINSTEIN: You're welcome.

13 THE COURT: Okay. Well -- now, is -- so
14 maybe it's the Lento Law Group that has answers to
15 these questions.

16 MR. ALTMAN: Your Honor, I have -- I have
17 spoken to all people that I could to try to
18 understand where the failure took place, and I was
19 unable to identify -- I am not questioning that the
20 firm knew -- the firm itself, somebody knew the case
21 was being refiled, but somehow that message did not
22 get to the people who actually executed it months
23 later.

24 THE COURT: Yes.

25 MR. ALTMAN: I don't have an explanation to

1 how it happened, why it happened, and who was
2 responsible. It was certainly not an attempt to
3 evade Your Honor's jurisdiction by having this case
4 come back before Your Honor.

5 THE COURT: Yes.

6 MR. ALTMAN: That I can tell you because,
7 once again, had they wanted to do that, there were
8 many other ways of doing that.

9 THE COURT: Well, I mean it's like getting
10 caught robbing a bank. You could say there would
11 have been other ways that I could have robbed this
12 bank and look how stupid I was by doing it this way.

13 MR. ALTMAN: I under --

14 THE COURT: So --

15 MR. ALTMAN: I understand, Your Honor.

16 THE COURT: Also, you have to understand
17 that because you have a staff and you have people
18 that support you, you are responsible for their
19 conduct. You can't evade responsibility by saying
20 yes, I asked them to do that. The captain of the
21 ship is responsible for what happens there, and
22 you're responsible for all these matters. Either you
23 straighten out the office or do something about it,
24 but you can't just shift the blame to other people
25 and say well, gee, I didn't know that -- I told them

1 what to do, they didn't do it the right way. You
2 know, this is a -- you know, there's a real problem
3 here and it is really a bunch of excuses that I hear
4 now. And the real question is what would be a fair
5 and appropriate way of disposing of this matter? I
6 think there is no question at all that serious
7 violations of both our local rules and perhaps the
8 Rules of Professional Conduct were implicated in this
9 case. I don't think there's any question about that.
10 What should be a fair disposition and ensure that Mr.
11 Rosario is protected? I don't see him involved in
12 any of this. This all seems to be lawyer stuff. So
13 he should be protected. But I'm pretty troubled that
14 no one seems to stand up here and, you know, take
15 responsibility and take charge. Maybe this Lento
16 Firm may be the one. I don't know.

17 MR. ALTMAN: Your Honor --

18 THE COURT: Who is going to be -- who is
19 going to be counsel of record?

20 MR. ALTMAN: Okay. Your Honor, to address
21 your concerns, the Lento Law Group will find somebody
22 to substitute in Ms. Feinstein -- for Ms. Feinstein.

23 THE COURT: Yes.

24 MR. ALTMAN: That will take care of that
25 issue. I have still been the primary counsel, and

1 brother counsel and I have had a good rapport and a
2 good working relationship, and, frankly, this matter
3 probably can be -- can be resolved. We were in the
4 middle of -- we were in the middle of a mediation
5 when this all came to light.

6 THE COURT: Yes.

7 MR. ALTMAN: And I think the -- you know,
8 the posture to this point could be done.

9 In terms of responsibility, Your Honor,
10 it's not that somebody is passing the buck. It's
11 just that I don't have an -- clearly, the firm is
12 responsible for not communicating to the people that
13 had to execute.

14 THE COURT: You mean your firm?

15 MR. ALTMAN: Not my firm. I didn't have
16 anything to do with that.

17 THE COURT: Okay. So it's the Lento Firm?

18 MR. ALTMAN: It's the -- it's the Lento
19 Firm. I was not involved. I had no knowledge about
20 Your Honor's order. I had no knowledge --

21 THE COURT: Okay.

22 MR. ALTMAN: I did not see the form. I had
23 nothing to do with the form. I was pro hac-ed in
24 afterwards, so I'm not part of that. But I'm here to
25 speak -- but I'm here to speak for the firm. The

1 question is, Your Honor -- it's not whether there's
2 responsibility here, because there is. The question
3 is what has the Lento Firm done to try to fix the
4 problem? You know, it's not so much from the bottom
5 up. There appears to be a violation here; therefore,
6 there must be punishment. It's the question of there
7 appears to be something went wrong here. What went
8 wrong, how do we fix it, and what can we do to keep
9 it from happening the next time?

10 THE COURT: Yes.

11 MR. ALTMAN: Now, clearly, the change of
12 personnel, that creates trouble for any firm. It's
13 not an excuse, but it is a reality.

14 THE COURT: Yes.

15 MR. ALTMAN: Okay? And all the firm can do
16 is put the best personnel in there, to train the best
17 personnel, to bring them up, to have reasonable --
18 you know, to try to take reasonable steps to see that
19 mistakes don't happen. Can't always succeed, but
20 that's the goal. And I can tell you that the Lento
21 Firm has improved its policies and procedures to try
22 to keep this kind of thing from happening going --

23 THE COURT: Well, let me ask you this. Are
24 you here speaking for the Lento Firm or are you here
25 speaking for yourself?

1 MR. ALTMAN: I'm speaking for both.

2 THE COURT: Okay.

3 MR. ALTMAN: Mr. Lento asked me to --

4 because I -- you know, Mr. Lento asked me to

5 investigate --

6 THE COURT: Okay.

7 MR. ALTMAN: -- what had happened and to
8 try to -- to try to be able to explain to the Court
9 what had happened here.

10 THE COURT: Yes.

11 MR. ALTMAN: And I've told you everything
12 that I know --

13 THE COURT: Okay.

14 MR. ALTMAN: -- after a rather exhaustive,
15 you know -- rather exhaustive inquiry into what
16 happened here. From my perspective, at least with --
17 from my perspective, you know, I don't think I have
18 any liability here because I wasn't part of the --
19 you know, what has caused the Court the problem. I
20 was never supposed to be part of the administration,
21 I was to be pro hac-ed in afterwards which happened,
22 I had no knowledge -- until Your Honor pointed out at
23 that hearing the second form, which was the tracking
24 form, I had no knowledge that that form had ever even
25 existed.

1 THE COURT: Yes.

2 MR. ALTMAN: That was the first time I saw
3 it, and as soon as Your Honor pointed it out, I
4 realized this is a problem. And I recognized that,
5 and immediately I went to try to figure out what had
6 happened.

7 THE COURT: Yes.

8 MR. ALTMAN: And I spoke to everybody I
9 could speak to about what had happened. So I --
10 there's not excuses here, Your Honor. I'm trying to
11 explain in kind of a somewhat clinical scientific
12 manner what might have happened here and how there
13 was a failure. In terms of how Your Honor should
14 deal with it, I'm not saying that there shouldn't be
15 some accountability, but there's a difference between
16 accountability and improvement and punishment.

17 THE COURT: Yes.

18 MR. ALTMAN: I think that there is no
19 evidence that what took place here was an attempt to
20 evade Your Honor's jurisdiction. We could have -- I
21 just -- there is no evidence of that. I mean you
22 could say yes, it's a possibility, but it just
23 wasn't. I wasn't concerned -- had I known about your
24 order in terms of putting information in the
25 complaint about the promoter liability, we would have

1 done it. I believe that in a good faith -- there was
2 a good faith basis for bringing that.

3 THE COURT: Yes.

4 MR. ALTMAN: I can't speak for what Mr.
5 Feinstein said when he didn't -- you know, when he
6 was originally involved in the case, but I can tell
7 you, you know, I reviewed the complaint, I believe in
8 good faith that Mr. -- you know, that Torres
9 Productions can have liability here. I stand -- I
10 stand behind that. We've provided that in our
11 response. So --

12 THE COURT: You told me -- I think you
13 might have already answered this question, but you
14 met with Mr. Rosario --

15 MR. ALTMAN: I did not meet --

16 THE COURT: -- before you came into the
17 case?

18 MR. ALTMAN: I did not meet with him, but I
19 spoke with him and I had seen his interview notes. I
20 know the firm met with him long before I ever got
21 involved, before the complaint was drafted. At some
22 point, I know I saw his interview notes, okay? I was
23 familiar with what happened based on -- based on that
24 note-taking, the complaint.

25 THE COURT: Now, has Mr. Rosario authorized

1 your firm to represent him?

2 MR. ALTMAN: Yes.

3 THE COURT: Okay.

4 MR. ALTMAN: And I specifically -- you
5 know, specifically spoke with Mr. Rosario. I
6 didn't -- and he is -- you know, I've specifically
7 spoken with Mr. Rosario about his case.

8 THE COURT: You mean on the telephone?

9 MR. ALTMAN: Yes.

10 THE COURT: Okay.

11 MR. ALTMAN: I physically am in Michigan,
12 Your Honor.

13 THE COURT: Yes.

14 MR. ALTMAN: Mr. Rosario is disabled,
15 obviously, and he is in New Jersey.

16 THE COURT: Now, Mr. Griffin, we -- Mr.
17 Altman referred to some mediation that was going on?

18 MR. GRIFFIN: Through Judge Strawbridge.

19 THE COURT: Oh, okay.

20 MR. GRIFFIN: Yes.

21 THE COURT: For the -- okay.

22 MR. GRIFFIN: There was mediation that was
23 going on. There were conversations between Judge
24 Strawbridge and just myself, Judge Strawbridge and
25 just Mr. Altman by himself, and there seemed to be an

1 active discussion, but then this issue was discovered
2 by --

3 THE COURT: But Mr. --

4 MR. GRIFFIN: -- Judge Strawbridge.

5 THE COURT: -- Torres, what about him? Was
6 he involved in this?

7 MR. GRIFFIN: I can't say that. I would
8 tend to think that there were no conversations
9 between Judge Strawbridge and Mr. Torres because
10 there had always been, to my understanding, an
11 existing order in place that he had to have counsel
12 because --

13 THE COURT: Yes.

14 MR. GRIFFIN: -- I believe, in part, he was
15 part of an incorporation.

16 THE COURT: Sure, yes.

17 MR. GRIFFIN: So I do not believe that
18 there were any conversations that ever occurred
19 between Judge Strawbridge and --

20 THE COURT: Yes.

21 MR. GRIFFIN: -- Mr. Torres directly. I
22 don't know that.

23 THE COURT: Because it would --

24 MR. GRIFFIN: I would guess that.

25 THE COURT: It would appear to me that if

1 there were to be a settlement in this case, whoever
2 the lawyer is, it would have to involve Mr. Torres
3 because Mr. Torres would have a cross-claim against
4 the restaurant if he's found liable for the
5 violation. So --

6 MR. GRIFFIN: I would -- I would think
7 you're correct.

8 THE COURT: Yes.

9 MR. GRIFFIN: And the fact that he is
10 currently in a default position, so he's -- you know,
11 he's behind the eight ball --

12 THE COURT: Yes.

13 MR. GRIFFIN: -- so to speak, already.

14 THE COURT: Okay. Okay. Well, let's think
15 about this. Is there anything else, Mr. Altman, that
16 you would like to add to the record today?

17 MR. ALTMAN: Your Honor, I'd just ask that
18 in deciding what to do here, you focus on the -- that
19 the parties that are involved here acted in good
20 faith, even if erroneously, that I believe the proper
21 accountability here is to remedial in nature in terms
22 of making sure the procedures and policies do the
23 right job in terms of preventing this kind of
24 situation from happening again, and that the Court
25 focus on that is -- would serve better justice

1 overall not just for -- not just for Mr. Rosario and
2 the defendants, but that it would -- it would further
3 justice for, you know, other clients who will be the
4 beneficiary of better policies and procedures, and
5 that the Court -- you know, the Court consider that
6 as being the appropriate what to do here and believe
7 the parties involved that this was not -- certainly
8 this was not -- there was no intent here to deceive
9 the Court, to deceive anyone, even though that there
10 are mistakes that have been made here.

11 THE COURT: Yes. And as I understand it,
12 these occurred after -- these had occurred before you
13 came into the case, and, therefore, that was the
14 Lento Firm's dealing?

15 MR. ALTMAN: That is -- that is -- you
16 know, that is true as a (indiscernible) perspective.
17 I had no knowledge.

18 THE COURT: Except for the October 25th
19 matter, which, of course, that was your issue?

20 MR. ALTMAN: Correct, Your Honor.

21 THE COURT: Yes.

22 MR. ALTMAN: And I apologize and --

23 THE COURT: Yes.

24 MR. ALTMAN: -- I am sorry. You know, my
25 medical condition -- you know, that -- frankly, when

1 my eyesight in my one remaining eye crashed and --

2 THE COURT: But that -- I thought that
3 was --

4 MR. ALTMAN: I'm not -- I'm not trying to
5 make excuses.

6 THE COURT: That was technical. That -- in
7 other words, the response was there, you just
8 couldn't get it here?

9 MR. ALTMAN: I couldn't -- Your Honor, I
10 struggled just to be able to see the screen to try to
11 file the response.

12 THE COURT: Okay.

13 MR. ALTMAN: It was an incredible struggle.

14 THE COURT: So --

15 MR. GRIFFIN: Judge, if I could just add
16 one thing? The fact that Mr. Vance checked and there
17 was nothing in your system, I can represent I
18 received it. I don't have it in front of me, but
19 there was an email that was sent, I was copied on.
20 It was to your chambers. It's possible that the
21 email for your chambers was incorrect. I did not
22 check it. But I can represent that I did receive a
23 copy of it in an email that went out directed to Your
24 Honor. So the fact that it's not anywhere in your
25 email system, maybe it was an incorrect address for

1 you. But I can represent that I did receive it on
2 the day in question --

3 THE COURT: Yes.

4 MR. GRIFFIN: -- in an email that
5 essentially explained, Your Honor, Keith Altman here,
6 I tried to file it, I'm having trouble, I wanted to
7 make sure you had a copy. So in all fairness, that
8 is making that part of their whole.

9 THE COURT: Okay.

10 MR. GRIFFIN: So maybe it never got to you
11 because the email address that he sent it to was
12 incorrect. I don't know that. I can only say I got
13 it and I got it on the day in question.

14 THE COURT: Yes.

15 MR. ALTMAN: Your Honor, literally, I was
16 limited to trying to use this to type, so --

17 THE COURT: Well, okay.

18 MR. ALTMAN: -- it's entirely possible I
19 mistyped Your Honor's email address.

20 THE COURT: Okay. Very well. We'll take
21 the matter under advisement and we'll get back to
22 you. Thank you.

23 MR. ALTMAN: Thank you, Your Honor.

24 MS. FEINSTEIN: Thank you, Your Honor.

25 MR. GRIFFIN: Thank you, Your Honor.

1 THE COURT: All right.

2 MR. ALTMAN: Just to be clear, I'll get you
3 Monday the -- kind of the log of our efforts?

4 THE COURT: Please do so.

5 MR. ALTMAN: Okay. And I'll have my team
6 send the document to chambers immediately, is that
7 okay?

8 THE COURT: That would be fine.

9 MR. ALTMAN: Thank you, Your Honor.

10 MS. FEINSTEIN: Thank you, Your Honor.

11 (Proceedings adjourned, 2:50 p.m.)

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6 CERTIFICATION
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8 I, Michael Keating, do hereby certify that
9 the foregoing is a true and correct transcript from the
10 electronic sound recordings of the proceedings in the
11 above-captioned matter.

12

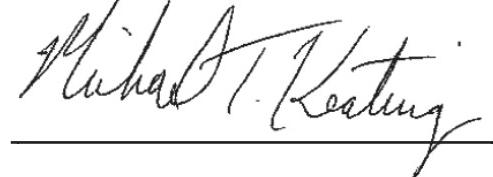
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11/15/21

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Date



Michael Keating

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